Application No. 10/765,252 Paper Dated: April 6, 2009

In Reply to USPTO Correspondence of March 6, 2009

PPG Case No. 1908A1

Attorney Docket No. 3948-035031

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/765,252

Confirmation No. 9565

Appellant

THOMAS G. RUKAVINA

Filed

January 27, 2004

URETHANE

Title

POLYOL

**PRECURSORS** 

**FOR** 

COATING COMPOSITIONS

Group Art Unit

1794

Examiner

Tran, Thao T

Customer No.

24959

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

# RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated March 6, 2009, Appellant hereby submits the following "Status of Claims" section which is believed to place the Appeal Brief in compliance with 37 CFR 41.37(c)(1)(iii). As the Examiner indicated, a new Appeal Brief is not required; therefore, only the Status of Claims section is submitted herewith.

> I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on April 6, 2009.

04/06/2009 Date

Florence P. Trevethan

Typed Name of Person Signing Certificate

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## STATUS OF CLAIMS

Claims 1-9 are currently pending in this application.

Claims 1-9 stand finally rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1-9 stand finally rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellant regards as the invention.

Claims 1-6 and 8-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 3,917,570 to Chang et al. (hereinafter "the Chang patent").

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Chang patent in view of United States Patent No. 4,264,752 to Watson (hereinafter "the Watson patent").

Claims 10-23 were canceled by an Amendment dated March 19, 2008.

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## **REMARKS**

Reversal of the claim rejections and allowance of the pending application are respectfully requested.

Respectfully submitted,
THE WEBB LAW FIRM

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